

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16833 of 2007

Dated: 13.08.2007

Between:

K.Kalu Ram and another.

..... PETITIONERS

AND

The Mandal Revenue Officer, Maheshwaram Mandal,
Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16833 of 2007

ORDER:

The petitioners purchased land admeasuring Acs.5.08 guntas in survey No.58 and Acs.5.17 guntas in survey No.53/AA under two registered sale deeds dated 24.10.1994. They also obtained pattadar passbooks(PPBs) and title deeds from first respondent. It appears that third respondent filed an application before first respondent twelve years after issue of PPBs in favour of the petitioners alleging that the petitioners purchased the land from the holder of ownership certificate under Section 38-E of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural lands Act, 1950. First respondent by order dated 12.07.2007 in proceedings No.D/742/07 cancelled PPBs issued to the petitioners. Feeling aggrieved by the same, the petitioners preferred a revision petition before second respondent in the last week of July,

2007, along with an application for stay of the order of first respondent. As no orders are passed immediately thereon, apprehending that second respondent might proceed with further action pursuant to the order of first respondent, the petitioners filed instant writ petition seeking a writ of Mandamus declaring the order of first respondent as illegal and arbitrary.

Admittedly the petitioners have filed a revision under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. When once they have availed the remedy, they cannot again challenge the order of first respondent before this Court until the matter is disposed of by second respondent. The allegation made by the learned counsel for the petitioners that the interlocutory application for stay is still pending before second respondent is not denied by the learned Assistant Government Pleader for Revenue. Therefore, this Court is of the considered opinion that second respondent should dispose of the interlocutory application immediately after receiving a copy of this order. Liberty is given to the petitioners or their counsel to approach second respondent with a copy of this order and press for order on the interlocutory application.

The writ petition, with the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

13th August, 2007

Note: Issue CC today.

B/o
ghn